

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION
NO. 03-12551-MBB

FRANK SACO,
Plaintiff,

VS.

TUG TUCANA and
TUG TUCANA CORPORATION,
Defendants.

ASSENTED TO MOTION TO DISMISS TUG TUCANA, *IN REM*

Now comes the defendant, TUG TUCANA CORPORATION, in the above captioned action, by and through its undersigned counsel, and respectfully moves this Honorable Court to dismiss with prejudice the TUG TUCANA, *In Rem*, from this action.

The defendant submits as ground therefore that the plaintiff has failed to perfect jurisdiction *In Rem* over the vessel and it is not jurisdictionally present before this Honorable Court.

This motion has been assented to by the plaintiff's counsel.

WHEREFORE, the defendant prays that this Honorable Court grant this assented to motion and to dismiss with prejudice

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the TUG TUCANA, *In Rem*, from this action.

Respectfully submitted,

By Its Counsel;
CLINTON & MUZYKA, P.C

"/s/Terence G. Kenneally"

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